

Resolution No. 15-1003
Introduced: May 19, 2005
Adopted: May 19, 2005

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: County Council

SUBJECT: Executive Regulation 2-05, Water and Sewer Plan Review Fees

Background

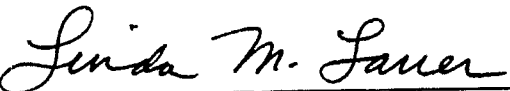
1. On March 23, 2005, the County Council received Executive Regulation 2-05, Water and Sewer Plan Review Fees, from the County Executive.
2. The Council must review the regulation under method (2) of Section 2A-15 of the County Code.
3. Under method (2), if the Council does not approve or disapprove a regulation within 60 calendar days after the Council receives the regulation, the regulation automatically takes effect.
4. At the Council's request, the Executive amended the proposed permanent regulation and re-designated it Executive Regulation 15-03AM.

Action

The County Council for Montgomery County, Maryland approves the following resolution:

The Council approves Executive Regulation 2-05, Water and Sewer Plan Review Fees, as transmitted by the County Executive.

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject	Comprehensive Water Supply and Sewerage Systems Plan: Service Area Category Amendment Application Fees	Number: MCER 2-05
Originating Department	Department of Environmental Protection	Effective Date: May 19, 2005

Montgomery County Regulation on:

WATER AND SEWER PLAN REVIEW FEES

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Issued by: County Executive
Regulation No. 2-05

Authority: Code Section 45-2
Council Review: Method (2) under Code Section 2A-15
Register Vol. 22, No. 1

Comment Deadline: February 2, 2005

Effective Date: This regulation takes effect upon approval by the County Council or 61 days after the Council receives the regulation if the Council takes no action within 60 days after receipt.

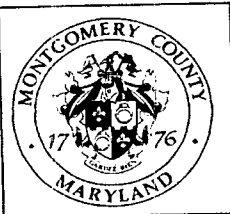
Sunset Date: None

Summary: This regulation establishes a fee schedule for services and administrative activities related to processing requests for service area category changes that involve amending the County's Ten-Year Comprehensive Water Supply and Sewerage Systems Plan.

Address: Written comments on this regulation should be sent to:

Alan Soukup
Office of the Director
Department of Environmental Protection
255 Rockville Pike, Suite 120
Rockville, Maryland 20850-4166
alan.soukup@montgomerycountymd.gov

Staff Contact: For further information or to obtain a copy of this regulation, contact Alan Soukup at (240) 777-7716.



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject	Number: MCER 2-05
Comprehensive Water Supply and Sewerage Systems Plan Amendments: Service Area Category Change Request Application Fees	
Originating Department	Effective Date
Department of Environmental Protection	

Sec. 1. Regulation

Section I. General Provisions

- A. **Authority.** In accordance with the authority conferred under Chapter 45, Section 45-2, of the Montgomery County Code, 1994, as amended (hereinafter referred to as the "Code"), the County Executive hereby promulgates this regulation for the purpose of establishing a fee schedule for services associated with processing requests for water and sewer service area category changes as set forth in Chapter 45 of the Code.
- B. **Applicability.** This regulation applies to all applicants seeking service area category map amendments and text amendments to the Montgomery County, Maryland, Comprehensive Water Supply and Sewerage Systems Plan.

Section II. Definitions

For purposes of this regulation, the following words and phrases will have the meaning respectively ascribed to them in this regulation unless the context indicates otherwise:

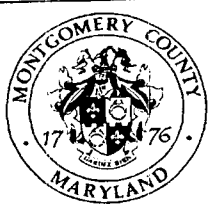
Multi-Use Systems: Privately-owned, on-site water supply and sewerage systems which serve a single user from one or several structures, with a peak capacity of 1,500 or more gallons per day. These are usually, but not exclusively, ground water wells and septic systems. The multi-use system is owned and is usually operated by the property owner.

Non-Profit Institutional Facility: A building owned by an organization which qualifies for a federal tax exemption under the provisions of Section 501 of Title 26 of the United States Code (Internal Revenue Service).

Public Health Case: A category change application resulting from the failure or anticipated failure of an individual, on-site water or sewerage system, usually a ground water well or septic system.

Senior Adult- or Elder-Care Facilities: A building or group of buildings providing a continuity of residential occupancy and health care for persons over the age of 62. Senior adult- or elder-care facilities include dwelling units for either independent or assisted living and related facilities for services to the residents such as meal preparation and service, day care, personal care, nursing, therapy, or any other service to the senior adult population that is an ancillary part of one of the above operations.

Shared Systems: On-site water supply and sewerage systems which serve two or more separate users. Shared systems can be, but are not exclusively, ground water wells and septic systems. Located on property owned by one or more of the system users, the shared system is owned and operated by a State- and County-approved governmental or quasi-governmental agency.



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Originating Department	Effective Date
Department of Environmental Protection	

Water and Sewer Service Area Categories: Designations adopted in the County's Water and Sewer Plan which establish a property's eligibility for public or private water and sewer service. Each property within the county, including those within incorporated municipalities, has a water category and a sewer category designated in the Water and Sewer Plan.

Section III. Application and Plan Review Fees

An applicant seeking a service area category change under the County's Comprehensive Water and Sewer Plan must submit a written application to the Department of Environmental Protection in accordance with Section 45-2 of the Montgomery County Code. Each application submitted under this Section must be accompanied by a non-refundable fee based on the following schedule:

DEP Category Change Application Fees	
Development/Application Type	Fee Schedule ^A
RESIDENTIAL DEVELOPMENT ^B	
1 Dwelling Unit (DU)	\$250
2 – 4 DUs	\$500
5 – 9 DUs	\$1,250
10 – 19 DUs	\$2,500
20 – 39 DUs	\$5,000
40+ DUs	\$10,000
COMMERCIAL DEVELOPMENT	
Minor Commercial (≤ 2 acres)	\$2,000
Major Commercial (> 2 acres)	\$10,000
INSTITUTIONAL DEVELOPMENT	
All Senior Adult- or Elder-care Facilities	\$0
All Institutional – Non-profit ^C	\$0
Minor Institutional (≤ 2 acres) – For Profit ^D	\$1,000
Major Institutional (> 2 acres) – For Profit ^D	\$2,000
PUBLIC/GOVERNMENT FACILITIES	
All Cases	\$0
MIXED-USE DEVELOPMENT	
Add together the appropriate uses identified above ^E	
PUBLIC HEALTH CASES	
All cases	\$0



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DEP Category Change Application Fees	
APPLICATION FEE SURCHARGES ^F	
Multi-Use Systems	\$500
Shared Systems	\$2,000
^A The charge per individual category change application. For example: Six individual property owners on the same block applying together for a category change would each have an application fee of \$250 .	
^B These fees exclude residential units formally designated as "affordable housing". For example: A residential subdivision project proposed for a total of 50 units, of which 15 are MPDUs, would be considered for the purpose of assessing the application fee as a 35-unit project, not 50 units.	
^C Non-profit institutional facilities are classified by Water and Sewer Plan as "private institutional facilities" or "PIFs."	
^D Exclusive of any senior adult- or elder-care facilities which do not pay an application fee.	
^E A mixed-use project fee is cumulative. For example: The application fee for a project with both 24 townhouse lots and commercial development on a 0.9-acre site would be - \$5,000 + \$2,000 = \$7,000 .	
^F A surcharge fee is added to the fee for the specific application type. For example: The application fee for an institutional use on a 5.5-acre site, which proposes to use multi-use systems, would be - \$10,000 + \$500 = \$10,500 .	

Sec. 2. Severability

If a court holds that a portion of this regulation is invalid, the other portions remain in effect.

Sec. 3. Effective Date

This regulation takes effect when approved by the County Council.

Douglas M. Duncan,
County Executive



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Comprehensive Water Supply and Sewerage Systems Plan Amendments: Service Area Category Change Request Application Fees	
Originating Department Department of Environmental Protection	Effective Date

Distribution:

Secretary, County Council
County Executive
Chief Administrative Officer
County Attorney
Director, Department of Environmental Protection